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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,145	05/03/2007	Bo Ekstrom	P18227-US1	3318
27045	7590	01/27/2011	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			CHENG, CHI TANG P	
			ART UNIT	PAPER NUMBER
			2463	
			NOTIFICATION DATE	DELIVERY MODE
			01/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No. 10/595,145	Applicant(s) EKSTROM ET AL.	
Examiner PETER CHENG	Art Unit 2463	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 November 2010.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are not persuasive.

In particular, Applicant argues that the cited reference Albers does not teach or disclose the limitation "assigning an extra port to the media-handling node for each new session that is transported through the node" because Albers does not indicate that the number of interface modules, the number of interface units, or specifically the number of interface units that connect to the enforcement agency terminal are dependent on the number of session transported through the 5ess switch" (page 5) and thus, Albers does not teach the feature of assigning an extra port "for each new session" (page 5).

The examiner respectfully disagrees. Claim terms are to be interpreted using the broadest reasonable interpretation that is consistent with the specification. MPEP 2111. In light of this, the claim term "extra" port is interpreted to encompass any port that is in addition to another port that would be used under normal circumstances for transporting normal data. As claimed, there is no requirement that such "extra port[s]" be such that their number is "dependent on the number of session transported through" the node; in fact, there is no requirement that such "extra ports" be distinct or unique for each session. Thus, as set forth below, the "unit 0" port as disclosed in Fig. 2 teaches an embodiment of the claimed "extra port".

Please see rejection below for details.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 5-7 and 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,097,798 to Albers et al., in view of U.S. Patent Publication No. 2004/0190689 A1 to Benitez Pelaez et al.

2. **As to Claim 5**, Albers discloses an arrangement to monitor media session flow in a telecommunication network comprising a media-handling node (Fig. 1, "Arlington 5ESS" node, whose details are further disclosed in Fig. 2 and col. 8, lines 41-48 and col. 10, lines 15-39, disclosing a "media handling node") through which, sessions between subscribers (Fig. 1, subscriber "126 684-1111" and subscriber "target 112 222-1111") are transported via first ports and second ports (Fig. 2, "interface module 51", comprising "units 0 ... n" and col. 10, lines 15-19 and 27-39, disclosing that such "units 1 ... n", i.e., first ports and second ports, "terminate lines from subscriber stations", thus disclosing sessions between subscribers are transported via units 1 ... n, i.e., first ports and second ports) comprising:

means for assigning an extra port to the media handling node (Fig. 2 and col. 10, lines 26-58, disclosing that in each "5ess" switch, i.e., the "media handling node", there are interface modules 51 that each comprise a "unit 0" port that connect to an

Art Unit: 2463

enforcement agency terminal, such "unit 0" port teaching "an extra port", noting that there is no claimed requirement that all such "extra ports" be unique/distinct for each session, thus using the broadest reasonable interpretation of the claim term "extra port", the disclosed "unit 0" teaches "an extra port" for each session; col. 10 lines 50-58 further discloses that each such "5ess" switch, i.e., the media handling node, comprises a "time-multiplexed switch 57", which together with "TSI" of each interface module 51 "selectively connects the interface units in call connections [i.e., "sessions"]", i.e., the "time-multiplexed switch 57" and the TSI in each interface module collectively disclose such means for "assigning" an extra port to the media handling node, since the "unit 0" port in the interface modules 51 is readily "provid[ed]" as "an interface for the signaling and communication links to an enforcement agency terminal [116]" for all session and such "unit 0" port is utilized when a given session is determined to require monitoring as taught by col. 11, lines 14-20, the above teaching "assigning an extra port to the media handling node", keeping in mind again that there is no claimed requirement that such "assigned" port be distinct/unique for each applicable session) for each new session that is transported through the node (Fig. 2, col. 11, lines 14-20 and col. 10, lines 26-58, teaching that in each "5ess" switch, i.e., the "media handling node", there is at least one "unit 0" port that is "provided", i.e., "assigned", as the "extra port" for each new session that is in addition to the normal data line of the session, e.g., Fig. 2, 122 and see col. 8, lines 22-59, such "extra port" being used if the session is determined to require monitoring, see col. 8, lines 22-26 and col. 11, 14-20, thus all of the above teaching

Art Unit: 2463

“assigning an extra port to the media handling node for each new session that is transported through the node”);

means (col. 11, lines 14-18 and Fig. 2, “CALEA module processor” in combination with “DATA STORE 58”, disclosing means for storing in a database; also Fig. 1, “service control point scp” and “ln db” and col. 8, lines 10-16, disclosing a database of “local numbers” for rerouting a call to be monitored) for storing in a database (col. 8, lines 23-26, disclosing a “table of target directory numbers” for surveillance in the CALEA module, thus disclosing database), identification of a first subscriber for which monitoring is desired (col. 8, lines 23-26, disclosing a “table of target directory numbers” for surveillance in the CALEA module, thus disclosing database);

means for setting up a connection between the first subscriber and a second subscriber (col. 8, lines 41-46, disclosing the “Arlington 5ESS”, i.e., the media handling node, “routes the call to the target telephone 112”; col. 10 lines 50-58 further discloses that each such “5ess” switch, i.e., the media handling node, comprises a “time-multiplexed switch 57”, which together with “TSI” of each interface module 51” “selectively connects the interface units in call connections”; thus the “time multiplexed switch 57” and the “TSI” together disclose means for setting up a connection between the first subscriber and a second subscriber);

means for connect an assigned extra port that is adherent to the session between the first and second subscriber (Fig. 2, “calea module processor”, “data store 58 and “program store 56”, col. 8, lines 22-59 and col. 11, lines 14-18, disclosing a

Art Unit: 2463

CALEA module that decides what level of surveillance to apply to a session; Fig. 2 and col. 8, lines 41-48, disclosing the "Arlington 5ESS" switch, i.e., the media handling node, performing surveillance on the session between the first and second subscribers, such switch and components therein disclosing and teaching the claimed "means for connecting"; col. 10, lines 27-39, disclosing performing surveillance at the 5ESS switch by "half-tapping" into a call/session via the extra port "unit 0" in each interface module 51; thus all of the above discloses means for connect an assigned extra port that is adherent to the session between the first and second subscriber) and;

means (Fig. 1, "Arlington 5ESS" terminal, whose details are further disclosed in Fig. 2) for monitoring the session between the first and second subscriber via the connected extra port (col. 8, lines 41-49; col. 10, lines 27-39; Fig. 1, disclosing an "FBI" agency terminal attached to the "Arlington 5ESS" media handling node, and disclosing performing surveillance, i.e., "monitoring", at the 5ESS switch by "half-tapping" into a call/session via the extra port "unit 0" in each interface module 51).

Albers does not expressly disclose node of an internet protocol multimedia subsystem domain.

Benitez Pelaez discloses node (paragraphs 9, 50, 56 and 60, Fig. 1, disclosing "media gateway MGW 26", "media gateway controller function MGCF 28", and "call session control function cscf22", all comprising a "media handling node", which also comprises "MGW 26", i.e., "a gateway", each component hereinabove disclosing a "node") of an internet protocol multimedia subsystem domain (paragraphs 9 and 50, Fig.

Art Unit: 2463

1, disclosing that the "MGW 26" gateway, and the components situated in "IMS" is in an "internet protocol IP multimedia subsystem" domain).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize the teachings disclosed in Benitez Pelaez, in conjunction with the method as disclosed and taught by Albers. Therefore, Albers and Benitez Pelaez are combinable to teach and disclose "means for assigning an extra port to the media handling node of an internet protocol multimedia subsystem domain for each new session that is transported through the node". The suggestion or motivation would have been to provide a more efficient, robust and enriched method of switching programs or channels in interactive systems. (Albers, col. 3, lines 13-35; Benitez Pelaez, paragraphs 1, 6 and 7).

3. **As to Claim 6**, please note that Albers and Benitez Pelaez teach and disclose the arrangement as in the parent claim 5.

Albers further discloses further comprising means for sending an indicator (col. 8, lines 34-38, "tcap message" sent by the scp to the Arlington 5ess switch, which causes the 5ess switch to begin surveillance of the session, i.e., indicator to connect extra port and begin monitoring session) from the database indication that the extra port is to be connected (col. 10, lines 27-39 and col. 11, lines 13-31 and Fig. 2, "calea module processor 54" and "data store 54", "administrative module 55", "communications module 53" and "interface module 51", all disclosing the "calea module processor" determining and sending an indicator to the interface module 51 indicating that the extra port "unit 0" is to be used for surveillance/monitoring, i.e., is to be connected, wherein the "data store

Art Unit: 2463

54" may also contain a record of such "signaling messages"; also see col. 8, lines 53-55, disclosing "delivery of ... call-identifying information to a law enforcement agency").

4. **As to Claim 7**, please note that Albers and Benitez Pelaez teach and disclose the arrangement as in the parent claim 5.

Albers further discloses further comprising means for setting up a three-part conference (col. 8, lines 41-48, disclosing the "Arlington 5ess" switch, i.e., the media handling node, setting up a three-part conference between subscriber "126 684-1111", subscriber "target 112 222-1111" and "FBI") between the two involved subscribers (Fig. 1, subscriber "126 684-1111" and subscriber "target 112 222-1111") and a monitoring facility (Fig. 1, "FBI").

5. **As to Claim 1**, please see rejection for Claim 5, which recites the same limitations.

6. **As to Claim 2**, please see rejection for Claim 6, which recites the same limitations.

7. **As to Claim 3**, please note that Benitez Pelaez and Albers disclose and teach the arrangement as in the parent claim 2.

Albers further discloses whereby the indicator (col. 8, lines 34-38, "tcap message" sent by the scp to the Arlington 5ess switch, which causes the 5ess switch to begin surveillance of the session, i.e., indicator to connect extra port and begin monitoring session) is sent from the database to the media-handling node (col. 8, lines 34-38, "tcap message is sent from the scp, i.e., the "database", to the Arlington 5ess switch, i.e., the media handling node).

Art Unit: 2463

8. **As to Claim 4**, please see rejection for Claim 7, which recites the same limitations.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHENG whose telephone number is (571)272-9021. The examiner can normally be reached on M-Th, 8:00AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on (571)272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2463

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C./
Examiner, Art Unit 2463

/Derrick W Ferris/

Supervisory Patent Examiner, Art Unit 2463